vidual liberty against the action of both state and national governments, and the other with "The Federal Government". Under this latter head about 500 pages are devoted to the powers of Congress, foreign relations, the territories and dependencies, the relations between States and between a State and the United States, the jurisdiction of the federal courts, and the regulation of commerce. Praise is due to the excellent classification of topics under this latter head, as indeed throughout the collection. For example, in Part II, entitled "Fundamental Rights", three chapters are devoted to "Due Process of Law and Equal Protection of the Law", separate consideration being accorded to procedure, to the police power, and to the effect of these clauses as restrictions on the taxing power. In his system of classification the compiler has had regard both for the individual and governmental interests which present questions for adjudication and for the clauses of the constitution under which those questions must be determined. His sense of proportion deserves the same commendation as that which must be accorded to his gift for classification and arrangement.

A word remains to be said as to the notes. They are sufficiently full to enable one who has industry to read the cases cited to obtain a better knowledge of constitutional law than can be gathered from the treatises. They will save time in the class room for both instructor and student, though they are of course open to the general objection against extensive annotation, that they may deprive the student of that quality of ignorance which brings him to the class room open-minded to discuss questions on the basis of theory and principle without the bias of judicial authority. But students may possibly be prevailed upon to restrain their zeal for knowledge until after lectures; and often the notes merely indicate sources of further information, without setting it forth. They are the fruit of wide erudition and exhibit a happy faculty for compression.

Thomas Reed Powell.

AMERIKANISCHE PRISENGERICHTSBARKEIT. By GEORGE CHARLES BUTTE, Dr. Jur. Heidelberg: ROSSLER & HERBERT. 1913. pp. 172.

This carefully studied treatise on American Prize Court jurisdiction is of special interest from its discussion of the constitutional difficulties in the way of our uniting in the establishment of a World Prize Court of Appeal, of the form proposed by the second Hague Conference for the Advancement of Public International Law, and to which, by June 9, 1913, notice had been received, at the foreign office at the Hague, of the provisional assent (p. 22) of thirty-three powers.

The author gives us full credit for our efforts, from the beginning of our national history, to secure such advancement, and instances particularly the provision Franklin introduced in our treaty with Prussia in 1785 for the immunity of private property at sea, and our various Acts of Congress prohibiting, as violations of neutrality, the furnishing of material of war to a belligerent. We, as he says, quoting Kleen, Lois et Usages de la Neutralité, created the modern doctrine of a neutral's obligations (p. 4).

Dr. Butte finds no difficulty in the American proposition that, so far as the United States are concerned, the remedy whereby the new court shall give relief, in case of an erroneous decision of one of our

courts, shall be by an action of damages, instead of an appeal. It is, he says (p. 29) in essence only following the maxim of Gaius that *omnis condemnatio pecuniaria est.* Attention is called, however, (p. 63) to the fact that in 1907 Mr. Choate, speaking for the United States delegation at the Hague Conference, said that it was their firm conviction that American prize appeals should be taken from the court of first instance to the Supreme Court of the United States and a reversal sought there, before a resort to the new world court; thus evidently their having no thought of any constitutional objection to such a course.

Dr. Butte is inclined to think that there really is no force in such objection. It is mainly founded, he says (p. 71) on the Article in the Constitution which established a "Supreme" Court; and this word "Supreme" is used in the State Constitutions for their courts, though the judgments of these are confessedly subject, under certain conditions, to revision by the Supreme Court of the United States, and in some States by a higher state tribunal, like the New York Court of Appeals. Nor, he urges with much force, need any appeal from the District Court in admiralty be given at all (p. 72). An Act of Congress to repeal a former Act of Congress is therefore all that is necessary to put the United States on the same footing as any other power, with respect to the new World Court of Appeals, unless a further obstacle exists by reason of its founding its jurisdiction on a treaty and not on an Act of Congress investing it with judicial power (p. 77). As to this, the author compares the prize courts of the leading powers, and questions whether they can fairly be styled judicial tribunals (p. 89, *et seq.*). They are virtually war courts, and the time to settle their powers is before a war, particularly as concerns the United States (p. 167).

Dr. Butte began his legal education at the University of Texas, completing it at Berlin, Heidelberg and Paris. He is able, therefore, to refer to our legal precedents with an ease and effect seldom found in the works of European jurists.

Simeon E. Baldwin.

THE LAW OF DECEDENTS' ESTATES INCLUDING WILLS. Abridgment for Students of J. G. WOERNER'S AMERICAN LAW OF ADMINISTRATION. Edited by WILLIAM F. WOERNER and F. A. WISLIZENUS. Boston: LITTLE, BROWN & Co. 1913. pp. xxxvi, 526.

Woerners' "American Law of Administration" has deservedly held a high reputation for many years, the first edition appearing in 1889, and the second in 1899. It bears evidence of much and careful study; is well written; its statements of the rules of law relating to the subject are with few exceptions accurate and well supported by authority; and the full citation of cases and of statutes contributes much to the value of the work not only for practitioners in probate courts but also for students.

One of the editors of the abridgment was a participant in the work of preparing both the first and second editions of "American Law of Administration" and was, therefore, particularly well qualified to undertake the work proposed: viz., the preparation of a volume intended for use as a text book in law schools, through the abridgment and condensation of the original work; which abridgment and condensation were to be accomplished, as stated by the editors, through the elimination from the main work of "all matter not essential from